UNITED
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General Assembly

Distr.
LIMITED

A/C.6/52/L.18
17 November 1997

ORIGINAL: ENGLISH

Fifty-second session
SIXTH COMMITTEE
Agenda item 144

CONVENTION ON JURISDICTIONAL IMMUNITIES OF STATES AND THEIR PROPERTY

Draft resolution proposed by the Chairman of the Sixth Committee

Convention on jurisdictional immunities of States and their property

The General Assembly,

Recalling its resolution 49/61 of 9 December 1994,

Considering that the codification and progressive development of international law contributes to the implementation of the purposes and principles set forth in Articles 1 and 2 of the Charter of the United Nations,

Having considered the report of the Secretary-General,[1]

1. Decides to consider this item again at its fifty-third session with a view to the establishment of a working group at its fifty-fourth session, taking into account the comments submitted by States in accordance with resolution 49/61;

2. Urges States, if they have not yet done so, to submit to the Secretary-General their comments referred to in paragraph 2 of the above resolution.

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[1] A/52/294.

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UNITED
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General Assembly

Distr.
LIMITED

A/C.6/52/L.19
18 November 1997

ORIGINAL: ENGLISH

Fifty-second session
SIXTH COMMITTEE
Agenda item 152

MEASURES TO ELIMINATE INTERNATIONAL TERRORISM

Pakistan: proposed amendments to the draft resolution proposed by Costa Rica (A/C.6/52/L.13)

Annex. International Convention for the Suppression of Terrorist Bombings

1. After the third preambular paragraph, insert the following additional preambular paragraph:

"Recalling also General Assembly resolution 46/51 of 9 December 1991, reaffirming the inalienable right to self-determination and independence of all peoples under colonial and racist regimes and other forms of alien domination and foreign occupation, and upholding the legitimacy of their struggle, in particular the struggle of national liberation movements, in accordance with the purposes and principles of the Charter and Declaration on Principles of International Law concerning Friendly Relations and Cooperation among States in accordance with the Charter of the United Nations,"

2. Delete the eleventh preambular paragraph.

3. Delete paragraph 4 of article 1.

4. Delete paragraph 2 of article 19.

97-32394 (E) 181197 191197

UNITED
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General Assembly

Distr.
LIMITED

A/C.6/52/L.20
18 November 1997

ORIGINAL: ENGLISH

Fifty-second session
SIXTH COMMITTEE
Agenda item 147

REPORT OF THE INTERNATIONAL LAW COMMISSION ON THE WORK OF ITS FORTY-NINTH SESSION

Programme budget implications of draft resolution A/C.6/52/L.15 and Corr.1

Statement submitted by the Secretary-General in accordance with rule 153 of the rules of procedure of the General Assembly

A. Requests contained in the draft resolution

1. By operative paragraphs 10 and 11 of draft resolution A/C.6/52/L.15 and Corr.1, the General Assembly would:

(a) Take note of the comments of the International Law Commission on the question of a split session for 1998, as presented in paragraphs 225 to 227 of its report;[1]

(b) Take note also of the position of the International Law Commission contained in paragraph 228 of its report on the duration of its future sessions.

B. Relationship of the proposed requests to the medium-term plan for the period 1998-2001 and to the proposed programme of work for the biennium 1998-1999

2. The above requests relate to subprogramme 4.3, Progressive development and codification of international law, of programme 4, Legal affairs, of the medium-term plan for the period 1998-2001, and section 6, Legal Affairs, of the proposed programme budget for the biennium 1998-1999.

C. Activities by which the proposed requests would be implemented

3. In paragraphs 226 and 227 of the report of the International Law Commission on the work of its forty-ninth session, the Commission considered the question of a split session for 1998 (8 weeks in Geneva and 3 weeks in New York), stating its preference to hold the second part of its session also in Geneva, but noting that, at the time of its consideration, the services for summary records would not be available in August at Geneva. The question of a split session would have thus necessitated an exception to the arrangements established by the General Assembly in its resolution 40/243 of 18 December 1985, in which it is stated that the sessions of the International Law Commission shall be held at the United Nations Office at Geneva. In paragraph 228 of the same report, the Commission also considered that it should have an 11-week session in 1998 and a 12-week session in 1999, having due regard to its work programme for the quinquennium and the complexity of the topics under its consideration.

4. In view of developments in conference servicing, the Secretariat now indicates it would be able to provide summary records in August for the second part of the 1998 session at Geneva. Accordingly, the estimates that follow take into account the possibility that the General Assembly may wish to determine whether the International Law Commission session in 1998 will be held partly in Geneva and partly in New York or wholly in Geneva. Thus, two sets of costing figures are provided in paragraphs 6 and 7 below to assist in the choice between these options.

D. Estimated requirements for the period from 1 January 1998 to 31 December 1999

5. In its budget proposals for the biennium 1998-1999, the Secretariat requested provision for two 10-week sessions at Geneva, with an indication that, at its 1997 session, the Commission would consider whether it would have a split session (5 weeks in Geneva and 5 weeks in New York). It was considered that such a split session would affect the cost only marginally. The proposal for the two 10-week sessions at Geneva was estimated to require $1,851,100 for travel of members and staff and for honoraria for the members.

6. In the light of the possibility that the Commission will hold an 11-week split session solely in Geneva in 1998 and a 12-week session in 1999, there would be an additional requirement of $275,528 for the biennium 1998-1999, of which $157,815 represents the increase in 1998 and $117,713 the increase in 1999. Details of the cost estimates are contained in annex I below.

7. However, should the question of a split session in 1998 be considered, where the first part of the session would to be held at Geneva (8 weeks) and the second part in New York, there would be an additional requirement of $245,200 for the biennium 1998-1999, of which $127,500 represents the increase in 1998 and $117,700 the increase in 1999. Consideration of holding a part of a session of the substantive sessions of the International Law Commission away from the United Nations Office at Geneva would also constitute an exception to the arrangements established by the General Assembly in its resolution 40/243.

Details of the cost estimates under these circumstances are contained in annex II below.

E. Potential for absorption

8. As indicated in paragraph 5 above, substantive servicing of the International Law Commission sessions has been included in the proposed programme budget for the biennium 1998-1999 to the extent of two 10-week sessions, one in 1998 and the other in 1999. In connection with conference-servicing requirements, the proposed programme budget for the biennium 1998-1999 includes provision, not only for meetings already in the calendar of conferences, but also for meetings to be added later by decisions of the General Assembly, provided that the number and distribution of meetings is consistent with the pattern in previous years. On this basis, it is not anticipated that additional resources would be required by conference services. However, total additional resources in the amount of $275,600 would be required for substantive servicing in the biennium 1998-1999 should all the sessions of the Commission be held at Geneva, as indicated in paragraph 6 above. Alternatively, total additional resources in the amount of $245,200 would be required in the biennium 1998-1999 under the conditions outlined in paragraph 7 above.

F. Action required by the General Assembly

9. Accordingly, should the General Assembly adopt draft resolution A/C.6/52/L.15 and Corr.1 on the basis that all sessions of the Commission would be held at Geneva (see annex I), an additional requirement of $275,500 would arise under the proposed programme budget for the biennium 1998-1999. Should the General Assembly adopt draft resolution A/C.6/52/L.15 and Corr. 1 on the basis that part of its sessions would be held away from the United Nations Office at Geneva (see annex II), an additional requirement of $245,200 would arise. This second option would also require an exception to General Assembly resolution 40/243, in which it is stated that the sessions of the International Law Commission shall be held at the United Nations Office at Geneva.

Notes

[1] Official Records of the General Assembly, Fifty-second Session, Supplement No. 10 (A/52/10).

ANNEX I

Cost requirements

1998: 11 weeks at Geneva
1999: 12 weeks at Geneva

	Estimated costs	
	1998 (11 weeks)	1999 (12 weeks)
Conference-servicing costs provided for under section 27E of the proposed programme budget for the biennium 1998-1999		
Meeting servicing and interpretation	700 500	772 300
Pre-session documentation	344 400	348 200
In-session documentation	386 400	390 700
Post-session documentation	257 400	260 200
Summary records	1 448 600	1 464 500
Office of General Services requirements	24 800	27 300
Total conference-servicing costs	3 162 100	3 263 200
Other requirements		
Travel and per diem of members	820 700	793 300
Honoraria for members	116 000	116 000
Travel and per diem of secretariat staff	121 700	109 000
Travel of the Chairman	25 000	25 000
Total other requirements	1 083 400	1 043 300
Less: Provision in the proposed programme budget for the biennium 1998-1999, section 6, Legal affairs	925 500	925 600
Net resources required under section 6 of the proposed programme budget for the biennium 1998-1999	157 900	117 700

ANNEX II

Cost requirements

1998: 8 weeks at Geneva and 3 weeks in New York
1999: 12 weeks at Geneva

	Estimated costs	
	1998 (11 weeks)	1999 (12 weeks)
Conference-servicing costs provided for under section 27E of the proposed programme budget for the biennium 1998-1999		
Meeting servicing and interpretation	704 200	772 300
Pre-session documentation	362 100	348 200
In-session documentation	386 400	390 700
Post-session documentation	271 200	260 200
Summary records	1 472 000	1 464 500
Office of General Services requirements	83 400	27 300
Total conference-servicing costs	3 279 300	3 263 200
Other requirements		
Travel and per diem of members	817 100	793 300
Honoraria for members	116 000	116 000
Travel and per diem of secretariat staff	94 900	109 000
Travel of the Chairman	25 000	25 000
Total other requirements	1 053 000	1 043 300
Less: Provision in the proposed programme budget for the biennium 1998-1999, section 6, Legal affairs	925 500	925 600
Net resources required under section 6 of the proposed programme budget for the biennium 1998-1999	127 500	117 700

UNITED NATIONS **A**

General Assembly

Distr.
LIMITED

A/C.6/52/L.21
18 November 1997

ORIGINAL: ENGLISH

Fifty-second session
SIXTH COMMITTEE
Agenda item 152

MEASURES TO ELIMINATE INTERNATIONAL TERRORISM

Sri Lanka: draft resolution

Measures to eliminate international terrorism

The General Assembly,

Recalling its resolutions 49/60 of 9 December 1994, by which it adopted the Declaration on Measures to Eliminate International Terrorism, and its resolutions 50/53 of 11 December 1995 and 51/210 of 17 December 1996,

Recalling also the Declaration on the Occasion of the Fiftieth Anniversary of the United Nations,[1]

Guided by the purposes and principles of the Charter of the United Nations,

Deeply disturbed by the persistence of terrorist acts, which have taken place worldwide,

Stressing the need further to strengthen international cooperation between States and between international organizations and agencies, regional organizations and arrangements and the United Nations in order to prevent, combat and eliminate terrorism in all its forms and manifestations, wherever and by whomsoever committed,

Mindful of the need to enhance the role of the United Nations and the relevant specialized agencies in combating international terrorism,

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[1] See resolution 50/6.

Recalling that in the Declaration on Measures to Eliminate International Terrorism the General Assembly encouraged States to review urgently the scope of the existing international legal provisions on the prevention, repression and elimination of terrorism in all its forms and manifestations, with the aim of ensuring that there was a comprehensive legal framework covering all aspects of the matter,

Bearing in mind the possibility of considering in the future the elaboration of a comprehensive convention on international terrorism,

Having examined the report of the Secretary-General,[2]

1. Strongly condemns all acts, methods and practices of terrorism as criminal and unjustifiable, wherever and by whomsoever committed;

2. Reiterates that criminal acts intended or calculated to provoke a state of terror in the general public, a group of persons or particular persons for political purposes are in any circumstance unjustifiable, whatever the considerations of a political, philosophical, ideological, racial, ethnic, religious or other nature that may be invoked to justify them;

3. Reiterates its call upon all States to adopt further measures in accordance with the relevant provisions of international law, including international standards of human rights, to prevent terrorism and to strengthen international cooperation in combating terrorism and, to that end, to consider, in particular, the adoption of the measures set out in paragraphs 3 (a) to (f) of its resolution 51/210;

4. Urges all States that have not yet done so to consider, as a matter of priority, becoming parties to relevant instruments as referred to in paragraph 6 of resolution 51/210, and calls upon all States to enact, as appropriate, domestic legislation necessary to implement the provisions of those Conventions and Protocols, to ensure that the jurisdiction of their courts enables them to bring to trial the perpetrators of terrorist acts and to provide support and assistance to other Governments for those purposes;

5. Reaffirms the Declaration on Measures to Eliminate International Terrorism contained in the annex to resolution 49/60 and the Declaration to Supplement the 1994 Declaration on Measures to Eliminate International Terrorism contained in the annex to resolution 51/210, and calls upon all States to ensure their effective implementation;

6. Reaffirms the mandate of the Ad Hoc Committee established by the General Assembly in its resolution 51/210;

7. Decides to include in the provisional agenda of its fifty-third session the item entitled "Measures to eliminate international terrorism".

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[2] A/52/304 and Corr.1 and Add.1.

UNITED NATIONS **A**

General Assembly

Distr.
LIMITED

A/C.6/52/L.22
18 November 1997

ORIGINAL: ENGLISH

Fifty-second session
SIXTH COMMITTEE
Agenda item 152

MEASURES TO ELIMINATE INTERNATIONAL TERRORISM

Russian Federation: draft decision

Measures to eliminate international terrorism

The General Assembly:

(a) Decides that the Ad Hoc Committee established by the General Assembly in its resolution 51/210 of 17 December 1996 will meet from 16 February to 27 February 1998 to continue its work in accordance with the mandate provided in paragraph 9 of that resolution, and recommends that that work continue during the fifty-third session of the General Assembly from 28 September to 9 October 1998 within the framework of a working group of the Sixth Committee;

(b) Requests the Secretary-General to invite the International Atomic Energy Agency to assist the Ad Hoc Committee in its deliberations;

(c) Also requests the Secretary-General to continue to provide the Ad Hoc Committee with the necessary facilities for the performance of its work;

(d) Requests the Ad Hoc Committee to report to the General Assembly at its fifty-third session on progress made in accomplishing its mandate;

(e) Recommends that the Ad Hoc Committee be convened in 1999 to continue its work as referred to in paragraph 9 of resolution 51/210;

(f) Decides to include in the provisional agenda of its fifty-third session the item entitled "Measures to eliminate international terrorism".

97-32524 (E) 181197

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General Assembly

Distr.
LIMITED

A/C.6/52/L.23
19 November 1997

ORIGINAL: ENGLISH

Fifty-second session
SIXTH COMMITTEE
Agenda item 149

REPORT OF THE COMMITTEE ON RELATIONS WITH THE HOST COUNTRY

Cuba: proposed amendments to the draft resolution proposed by Canada, Costa Rica, Côte d'Ivoire and Cyprus (A/C.6/52/L.10)

Report of the Committee on Relations with the Host Country

1. Replace operative paragraph 7 with the following:

"Requests Member States to consider reviewing the composition of the Committee on Relations with the Host Country so that the membership of the Committee properly reflects the significant increase in the membership of the United Nations;"

2. Add two new operative paragraphs reading as follows:

"Requests Member States to transmit their views with respect to this matter to the Secretary-General;"

"Requests the Secretary-General to present a report on this subject to the General Assembly at its fifty-third session;"

97-32719 (E) 191197

UNITED
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General Assembly

Distr.
LIMITED

A/C.6/52/L.24
20 November 1997

ORIGINAL: ENGLISH

Fifty-second session
SIXTH COMMITTEE
Agenda item 152

MEASURES TO ELIMINATE INTERNATIONAL TERRORISM

Draft resolution proposed by the Chairman

Measures to eliminate international terrorism

The General Assembly,

Guided by the purposes and principles of the Charter of the United Nations,

Recalling all its relevant resolutions, including resolution 49/60 of 9 December 1994, by which it adopted the Declaration on Measures to Eliminate International Terrorism, and resolutions 50/53 of 11 December 1995 and 51/210 of 17 December 1996,

Recalling also the Declaration on the Occasion of the Fiftieth Anniversary of the United Nations,[1]

Deeply disturbed by the persistence of terrorist acts, which have taken place worldwide,

Stressing the need further to strengthen international cooperation between States and between international organizations and agencies, regional organizations and arrangements and the United Nations in order to prevent, combat and eliminate terrorism in all its forms and manifestations, wherever and by whomsoever committed,

Mindful of the need to enhance the role of the United Nations and the relevant specialized agencies in combating international terrorism, and of the

[1] See resolution 50/6.

proposals of the Secretary-General to enhance the role of the Organization in this respect,

Recalling that in the Declaration on Measures to Eliminate International Terrorism contained in the annex to resolution 49/60 the General Assembly encouraged States to review urgently the scope of the existing international legal provisions on the prevention, repression and elimination of terrorism in all its forms and manifestations, with the aim of ensuring that there was a comprehensive legal framework covering all aspects of the matter,

Bearing in mind the possibility of considering in the near future the elaboration of a comprehensive convention on international terrorism,

Having examined the report of the Secretary-General,[2]

1. Strongly condemns all acts, methods and practices of terrorism as criminal and unjustifiable, wherever and by whomsoever committed;

2. Reiterates that criminal acts intended or calculated to provoke a state of terror in the general public, a group of persons or particular persons for political purposes are in any circumstance unjustifiable, whatever the considerations of a political, philosophical, ideological, racial, ethnic, religious or other nature that may be invoked to justify them;

3. Reiterates its call upon all States to adopt further measures in accordance with the relevant provisions of international law, including international standards of human rights, to prevent terrorism and to strengthen international cooperation in combating terrorism and, to that end, to consider, in particular, the implementation of the measures set out in paragraphs 3 (a) to (f) of its resolution 51/210;

4. Also reiterates its call upon all States, with the aim of enhancing the efficient implementation of relevant legal instruments, to intensify, as and where appropriate, the exchange of information on facts related to terrorism and, in so doing, to avoid the dissemination of inaccurate or unverified information;

5. Further reiterates its call upon States to refrain from financing, encouraging, providing training for or otherwise supporting terrorist activities;

6. Urges all States that have not yet done so to consider, as a matter of priority, becoming parties to relevant instruments as referred to in paragraph 6 of resolution 51/210, and calls upon all States to enact, as appropriate, domestic legislation necessary to implement the provisions of those Conventions and Protocols, to ensure that the jurisdiction of their courts enables them to bring to trial the perpetrators of terrorist acts and to cooperate with and provide support and assistance to other States and relevant international and regional organizations to that end;

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[2] A/52/304 and Corr.1 and Add.1.

7. Reaffirms the Declaration on Measures to Eliminate International Terrorism contained in the annex to resolution 49/60 and the Declaration to Supplement the 1994 Declaration on Measures to Eliminate International Terrorism contained in the annex to resolution 51/210, and calls upon all States to implement them;

8. Reaffirms the mandate of the Ad Hoc Committee established by the General Assembly in its resolution 51/210;

9. Decides that the Ad Hoc Committee established by the General Assembly in its resolution 51/210 of 17 December 1996 will meet from 16 February to 27 February 1998 to continue its work in accordance with the mandate provided in paragraph 9 of that resolution, and recommends that the work continue during the fifty-third session of the General Assembly from 28 September to 9 October 1998 within the framework of a working group of the Sixth Committee;

10. Requests the Secretary-General to invite the International Atomic Energy Agency to assist the Ad Hoc Committee in its deliberations;

11. Also requests the Secretary-General to continue to provide the Ad Hoc Committee with the necessary facilities for the performance of its work;

12. Requests the Ad Hoc Committee to report to the General Assembly at its fifty-third session on progress made in accomplishing its mandate;

13. Recommends that the Ad Hoc Committee be convened in 1999 to continue its work as referred to in paragraph 9 of resolution 51/210;

14. Decides to include in the provisional agenda of its fifty-third session the item entitled "Measures to eliminate international terrorism".